

## DECLARATION

As the below-named inventors, we declare that:

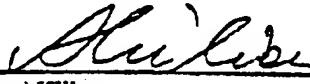
Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "VERTEBRATE TELOMERASE GENES AND PROTEINS AND USES THEREOF," which is described and claimed in the specification and claims of Patent Application No. 09/108,401, which we filed in the United States Patent and Trademark Office on June 30, 1998 and for which a patent is sought. This application claims the benefit of Provisional Application Nos. 60/051,410, filed July 1, 1997; 60/053,018, filed July 19, 1997; 60/053,329, filed July 21, 1997; 60/054,642, filed August 4, 1997; and 60/058,287, filed September 9, 1997.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

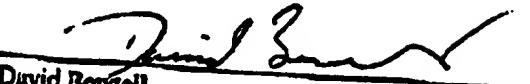
We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

  
\_\_\_\_\_  
Andrzej Kilian

Date 2/10/98

Residence :	City of Canberra, ACT Country of Australia
Citizenship :	Poland
P.O. Address :	42 Campbell Street Canberra, ACT 2602 AUSTRALIA



David Bowie

Date 21<sup>st</sup> October 1998.

Residence : City of Coburg, Victoria  
Country of Australia

Citizenship : Australia

P.O. Address : 22 Strathcarron Avenue  
Coburg, Victoria  
AUSTRALIA

(190106.407)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Andrzej Kilian and David Bowtell  
Title : VERTEBRATE TELOMERASE GENES AND PROTEINS AND  
USES THEREOF  
Filed : February 11, 2000

Docket No. : 190106.407C1  
Date : February 11, 2000

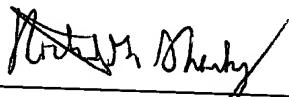
Box Patent Application  
Assistant Commissioner for Patents  
Washington, DC 20231

APPOINTMENT OF ASSOCIATE POWER OF ATTORNEY

Assistant Commissioner for Patents:

I, Richard G. Sharkey, Ph.D., attorney of record in the above-identified application, appoint as associate attorney William T. Christiansen, Ph.D., Registration No. 44,614, of the firm of Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC



Richard G. Sharkey, Ph.D.  
Registration No.

WTC:rap

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Andrzej Kilian and David Bowtell  
Application No. : 09/108,401  
Filed : June 30, 1998  
For : VERTEBRATE TELOMERASE GENES AND PROTEINS AND  
USES THEREOF

Box Missing Parts Docket No. : 190106.407  
Assistant Commissioner for Patents  
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Co-Assignee of the interest in the above-identified application by virtue of an Assignment which is being filed concurrently herewith or has already been filed, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints RICHARD W. SEED, Reg. No. 16,557; ROBERT J. BAYNHAM, Reg. No. 22,846; EDWARD W. BULCHIS, Reg. No. 26,847; GEORGE C. RONDEAU, JR., Reg. No. 28,893; DAVID H. DEITS, Reg. No. 28,066; WILLIAM O. FERRON, JR., Reg. No. 30,633; PAUL T. MEIKLEJOHN, Reg. No. 26,569; DAVID J. MAKI, Reg. No. 31,392; RICHARD G. SHARKEY, Reg. No. 32,629; DAVID V. CARLSON, Reg. No. 31,153; MAURICE J. PIRIO, Reg. No. 33,273; KARL R. HERMANNS, Reg. No. 33,507; DAVID D. MCMASTERS, Reg. No. 33,963; ROBERT IANNUCCI, Reg. No. 33,514; MICHAEL J. DONOHUE, Reg. No. 35,859; CHRISTOPHER J. DALEY-WATSON, Reg. No. 34,807; STEVEN D. LAWRENZ, Reg. No. 37,376; ROBERT G. WOOLSTON, Reg. No. 37,263; ELLEN M. BIERMAN, Reg. No. 38,079; BRYAN A. SANTARELLI, Reg. No. 37,560; CAROL NOTTENBURG, Reg. No. 39,317; CRAIG S. JEPSON, Reg. No. 33,517; PAUL T. PARKER, Reg. No. 38,264; JOHN C. STEWART, Reg. No. 40,188; DAVID W. PARKER, Reg. No. 37,414; ROBERT E. MATES, Reg. No. 35,271; BRIAN G. BODINE, Reg. No. 40,520; FRANK ABRAMONTE, Reg. No. 38,066; E. RUSSELL TARLETON, Reg. No. 31,800; FREDERICK M. FLIEGEL, Reg. No. 36,138; JAN C. L. MAXWELL, Reg. No. 41,181;

THOMAS L. EWING, Reg. No. 34,328; CLIFTON G. GREEN, Reg. No. 41,044; KEVIN S. COSTANZA, Reg. No. 37,801; DALE C. BARR, Reg. No. 40,498; KEVIN S. ROSS, Reg. No. P-42,116; PAUL F. RUSYN, Reg. No. P-42,118; JOHN M. WECHKIN, Reg. No. P-42,216; THOMAS E. LOOP, Reg. No. P-42,810; STEPHEN J. ROSENMAN, Reg. No. P-43,058; and BRIAN L. JOHNSON, Reg. No. 40,033, comprising the firm of SEED AND BERRY LLP, 6300 Columbia Center, Seattle, Washington 98104-7092, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to David D. McMasters at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:

David D. McMasters, Esq.  
Seed and Berry LLP  
6300 Columbia Tower  
701 Fifth Avenue  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Cambia Biosystems LLC filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Cambia Biosystems LLC  
ASSIGNEE

DATE

10/12/98

  
Donald S. Jefferson  
Managing Member

Enclosure:

Copy of Assignment

winword\ddm\7246

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Andrzej Kilian and David Bowtell  
Application No. : 09/108,401  
Filed : June 30, 1998  
For : VERTEBRATE TELOMERASE GENES AND PROTEINS AND  
USES THEREOF

Docket No. : 190106.407

Box Missing Parts

Assistant Commissioner for Patents  
Washington, DC 20231ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Co-Assignee of the interest in the above-identified application by virtue of an Assignment which is being filed concurrently herewith or has already been filed, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints RICHARD W. SEED, Reg. No. 16,557; ROBERT J. BAYNHAM, Reg. No. 22,846; EDWARD W. BULCHIS, Reg. No. 26,847; GEORGE C. RONDEAU, JR., Reg. No. 28,893; DAVID H. DEITS, Reg. No. 28,066; WILLIAM O. FERRON, JR., Reg. No. 30,633; PAUL T. MEIKLEJOHN, Reg. No. 26,569; DAVID J. MAKI, Reg. No. 31,392; RICHARD G. SHARKEY, Reg. No. 32,629; DAVID V. CARLSON, Reg. No. 31,153; MAURICE J. PIRIO, Reg. No. 33,273; KARL R. HERMANN, Reg. No. 33,507; DAVID D. MCMASTERS, Reg. No. 33,963; MICHAEL J. DONOHUE, Reg. No. 35,859; CHRISTOPHER J. DALEY-WATSON, Reg. No. 34,807; STEVEN D. LAWRENZ, Reg. No. 37,376; ROBERT G. WOOLSTON, Reg. No. 37,263; ELLEN M. BIERNAN, Reg. No. 38,079; PAUL T. PARKER, Reg. No. 38,264; JOHN C. STEWART, Reg. No. 40,188; DAVID W. PARKER, Reg. No. 37,414; BRIAN G. BODINE, Reg. No. 40,520; FRANK ABRAMONTE, Reg. No. 38,066; E. RUSSELL TARLETON, Reg. No. 31,800; FREDERICK M. FLIEGEL, Reg. No. 36,138; JAN CAROL LITTLE, Reg. No. 41,181; THOMAS L. EWING, Reg. No. 34,328; CLIFTON G. GREEN, Reg. No. 41,044; KEVIN S. COSTANZA, Reg. No. 37,801; DALE C. BARR, Reg. No. 40,498; KEVIN S. ROSS, Reg. No. 42,116; PAUL F. RUSYN, Reg. No. 42,118; JOHN M.

WECHKIN, Reg. No. 42,216; THOMAS E. LOOP, Reg. No. 42,810; STEPHEN J. ROSENMAN, Reg. No. 43,058; and BRIAN L. JOHNSON, Reg. No. 40,033, comprising the firm of SEED AND BERRY LLP, 6300 Columbia Center, Seattle, Washington 98104-7092, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:

David D. McMasters, Esq.  
Seed and Berry LLP  
6300 Columbia Tower  
701 Fifth Avenue  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Cambia Biosystems LLC filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Peter MacCallum Cancer Institute  
ASSIGNEE

Dr. John Morris  
Chief Executive Officer

Enclosure:

Copy of Assignment

winword\ddm\7292

13/10/98

DATE

## ASSIGNMENT

WHEREAS, I, David Bowtell (hereinafter referred to as ASSIGNOR), having a post office address of 22 Strathearn Avenue Coburg, Victoria Australia am a joint inventor (along with Andrzej Kilian) of an invention entitled "VERTEBRATE TELOMERASE GENES AND PROTEINS AND USES THEREOF," as described and claimed in the specification for which a letters patent was filed with the United States Patent and Trademark Office on June 30, 1998, and assigned Application No. 09/108,401. This application claims the benefit of Provisional Application Nos. 60/051,410, filed July 1, 1997; 60/053,018, filed July 19, 1997; 60/053,329, filed July 21, 1997; 60/054,642, filed August 4, 1997; and 60/058,287, filed September 9, 1997.

WHEREAS, Peter MacCallum Cancer Institute (hereinafter referred to as ASSIGNEE), having a post office address of Locked Bag 1 A'Beckett St, Melbourne 8006 Victoria, Australia, is desirous of acquiring my entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby assigns, transfers, and sells unto said ASSIGNEE my entire right, title and interest in and to said invention, said application and any and all letters patent that may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise. Said invention, application and all letters patent on said invention is to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

ASSIGNOR authorizes ASSIGNEE's counsel to insert the official filing date and application number information when it becomes available.

Date

24<sup>th</sup> June, 1998

David Bowtell

David Bowtell

I certify that I know or have satisfactory evidence that David Bowtell signed this instrument of his own free will, as a voluntary act for the uses and purposes mentioned in the instrument.

Witness: Ian Grew

Date: 24<sup>th</sup> June, 1998

## ASSIGNMENT

WHEREAS, I, Andrzej Kilian (hereinafter referred to as ASSIGNOR), having a post office address of 42 Campbell St, Canberra, ACT 2602, Australia , and David Bowtell, are the joint inventors of an invention entitled "VERTEBRATE TELOMERASE GENES AND PROTEINS AND USES THEREOF," as described and claimed in the specification for which an application for United States letters patent was filed on June 30, 1998 and assigned Application No. 09/108,401. This application claims the benefit of Provisional Application Nos. 60/051,410, filed July 1, 1997; 60/053,018, filed July 19, 1997; 60/053,329, filed July 21, 1997; 60/054,642, filed August 4, 1997; and 60/058,287, filed September 9, 1997.

WHEREAS, Center for the Application of Molecular Biology to International Agriculture (CAMBIA) (hereinafter referred to as ASSIGNEE), having a post office address of GPO Box 3200, Canberra ACT 2601, AUSTRALIA, is desirous of acquiring my entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby assigns, transfers, and sells unto said ASSIGNEE my entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise. Said invention, application and all letters patent on said invention are to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

ASSIGNOR authorizes ASSIGNEE'S counsel to insert the official filing date and application number information when it becomes available.

25/06/98

Date

Andrzej Kilian

Andrzej Kilian

I certify that I know or have satisfactory evidence that Andrzej Kilian signed this instrument of his own free will, as a voluntary act for the uses and purposes mentioned in the instrument.

Witness:

J. Devesh Gaur

Date:

25.6.98

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**ASSIGNMENT**

WHEREAS, Center for the Application of Molecular Biology to International Agriculture (CAMBIA) (hereinafter referred to as ASSIGNOR), a corporation of the Country of Australia, having a place of business at Clunies Ross Street at Dickson Road, Black Mountain, ACT 2601, AUSTRALIA, is an owner of an invention entitled "VERTEBRATE TELOMERASE GENES AND PROTEINS AND USES THEREOF" as described and claimed in the specification for which an application for United States letters patent was filed on 30 June 1998, and assigned Application No. 09/108,401. This application claims the benefit of Provisional Application Nos. 60/051,410, filed July 1, 1997; 60/053,018, filed July 19, 1997; 60/053,329, filed July 21, 1997; 60/054,642, filed August 4, 1997; and 60/058,287, filed September 9, 1997.

WHEREAS, CAMBIA Biosystems LLC (hereinafter referred to as ASSIGNEE), a corporation of the State of Delaware having a place of business at 1150-114th Avenue SE, Bellevue, Washington, United States, is desirous of acquiring ASSIGNOR's entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers unto said ASSIGNEE its entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, transfer and sale not been made. ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR agrees to execute all instruments and documents required for the

making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

9/10/98  
Date

Charles F. Massy

Charles Massy  
Chairman of the Board of Directors

I certify that I know or have satisfactory evidence that Charles Massy is the person who signed this instrument of his own free will, as a voluntary act for the uses and purposes mentioned in the instrument.

Witness: Joyce Mayr

Date: 9-10-98

C:\CAMBIA Applications\Telomerase 407\Assignment to